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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,020	12/05/2001	Gary B. Gordon	10002431-4	5593

7590 11/07/2003

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, CO 80537-0599

EXAMINER

FORMAN, BETTY J

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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1103

DATE MAILED:

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**Commissioner for Patents**

The timely submission under 37 CFR 1.129(a) filed on 22 August 2003 is not fully responsive to the prior Office action for the following reasons:

- 1) Applicant has not addressed the previous rejections under 35 U.S.C. 102 as being anticipated by Smith
- 2) Applicant has not address the previous rejections under 35 U.S.C. 102 as being anticipated by Schembri.
- 3) Applicant has not addressed the various rejections under 35 U.S.C. 103 as being obvious over the teachings of Trulson and others.
- 4) Applicant has not addressed the previous obviousness-type double patenting rejection over co-pending application 09/792,169.
- 5) Applicant has not addressed the previous obviousness -type double patenting rejection over co-pending application 09/900,294.
- 6) Applicant has not addressed the previous statutory-type double patenting rejection over co-pending application 09/971,867.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Furthermore, the amendments to the specification at pages 1, 4 and 14 have not been entered because they do not comply with 37 C.F.R. 1.121 b (2) which requires that a clean copy along with a marked up copy of the amended paragraphs be submitted.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (703) 306-5878. The examiner can normally be reached on 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (703) 308-1119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-8724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

 **BJ FORMAN, PH.D.  
PRIMARY EXAMINER**